

CHAPTER 1: INTRODUCTION

In Year 2000, the Commonwealth of Kentucky Legislature authorized funding to develop the *2002 Kentucky Statewide Rail Plan*. Currently, Kentucky does not have a source of funding to implement any specific rail improvement projects; however, the Kentucky Transportation Cabinet (KYTC) Division of Multimodal Programs has developed this informative and comprehensive document that could be used as part of future updates to identify rail improvements, if funding becomes available.

For additional information regarding the *2002 Kentucky Statewide Rail Plan* or related topics, the Division of Multimodal Programs can be found on the web at the following address: <http://www.kytc.state.ky.us/Multimodal/index.htm>. As an aid to the reader and to provide the reader with additional reference information, **Appendix A** provide a glossary of terms and **Appendix B** lists contacts and website references.

I. PURPOSE

The Kentucky Transportation Cabinet (KYTC) has developed the *2002 Kentucky Statewide Rail Plan* for two reasons. First, it presents the modal plan that (1) identifies system-wide strategies and policies and (2) conforms to the goals established in the *2001 Kentucky Transportation Cabinet's Strategic Plan*¹ and current update of the *1999 Kentucky Statewide Transportation Plan*². Second, it provides a vehicle to identify future rail issues to meet Federal Railroad Administration (FRA) requirements for federal funding, as it becomes available.



II. PROGRAM HISTORY

The first *Kentucky Statewide Rail Plan* was conducted in 1978 and updated in 1979. Since this time, no updates have been conducted. The following section describes the previous *Kentucky Statewide Rail Plan* and provides a brief overview of the Railroad Commission and the transfer of its responsibilities to the Kentucky Transportation Cabinet.

A. Previous Kentucky Rail Plans

Required by statutory law in accordance with the Railroad Revitalization and Regulatory Reform Act of 1976 (RRRR Act), the Commonwealth of Kentucky conducted the first rail plan in 1978. Similar to the purpose of the current update, the *1978 Kentucky Rail Plan*³ was prepared to qualify the state for federal funding, to serve as the Commonwealth's statement of its rail planning policy, and to form the foundation of its continuing rail planning activities. The *1978*

¹ Kentucky Transportation Cabinet. *Kentucky Transportation Cabinet Strategic Plan*. Frankfort: Kentucky Transportation Cabinet, 2001.

² Kentucky Transportation Cabinet. *Kentucky Statewide Transportation Plan*. Frankfort: Kentucky Transportation Cabinet, 1999.

³ *Kentucky State Rail Plan*. Prepared by CONSAD Research Corporation. Prepared for Commonwealth of Kentucky Department of Transportation, December 1978.

Kentucky Rail Plan was updated in 1979 through a short addendum. The 1979 *Kentucky Rail Plan* was the most recent rail plan created for the state.

B. Railroad Commission⁴

The Railroad Commission (RRC) was formed in 1880 as a statutorily created agency. From 1880 to 1891, the Governor appointed the members of the commission. In 1891, the Constitution established a three-member commission. Each member was elected from separate districts for four year terms. Early on the RRC was responsible for examining the railroad business within the state, reviewing compliance with the laws, and holding related hearings. Over time this responsibility would change. During the 1930's, the federal government became more focused on the regulation of interstate commerce. Finally, in the early 1980's, the federal government was authorized to regulate intrastate rail transportation leaving the RRC with little regulatory and enforcement authority.

Until December 2000, the Railroad Commission was administratively attached to the Kentucky Transportation Cabinet. Under statute, the Railroad Commission was charged with the following responsibilities:

- Address rail safety by promulgating administrative regulations regarding intrastate railroad operations, particularly with respect to railroad crossings;
- Act to resolve complaints against railroad companies; and
- Serve as the freight weight consultant to regulate the tariff charges assessed by rail carriers in Kentucky.

By vote in the November 2000 Kentucky General Election, Constitutional Amendment No. 2 proposing an amendment to Sections 201, 209 and 218 of the Constitution of Kentucky relating to the abolishment of the Railroad Commission was passed. The duties of the Commission were transferred to the Kentucky Transportation Cabinet's Office of Intermodal Programs. The change in statutory law went into effect December 1, 2000 with the Division of Multimodal Programs, within the Office of Intermodal Programs, assuming the above responsibilities. A complete copy of the statutes impacted by the change is included in **Appendix C**.

III. KENTUCKY LEGISLATION

Within the Kentucky Revised Statutes (KRS) and Kentucky Administrative Regulations (KAR) are a number of statutes and regulations that relate directly to the rail system, rail safety and Rails to Trails Program. Those related to rail safety and Rails to Trails are presented in Chapters 5 and 6, respectively. Miscellaneous rail statutes are presented in **Appendix D**. The statutes address a broad range of rail-related topics and are provided for additional reference.

⁴ Kentucky Legislative Research Commission. Proposed Elimination of Railroad Commission Amendment. Frankfort: 2000.

In order to monitor Kentucky's rail system, the KYTC enacted Title 603, Chapter 7, Section 090 of the Kentucky Administrative Regulations (603 KAR 7:090 Railroads) as a first step in assuring the availability of up-to-date railroad data. 603 KAR 7:090 puts procedures in place to meet a requirement that all freight railroads must submit the following information to the KYTC:

- Annual report and/or a copy of the Kentucky form State Statistics;
- Map of all active routes;
- Written notice of abandonments; and
- Reports of accidents resulting in a loss of life.

This information is to be submitted to KYTC's Division of Multimodal Programs on or before March 31st of each year. Any person or entity subject to 603 KAR 7:090 who fails to submit any of the information will be notified and required to submit the identified information within 30 days or be subject to a maximum of \$500 penalty. With these procedures in place, the KYTC will have information readily available for reference purposes, future updates of the *2002 Kentucky Statewide Rail Plan*, and other planning efforts the KYTC may pursue. For additional information concerning 603 KAR 7:090, the complete text is found in **Appendix E**.

IV. RAIL GOALS & OBJECTIVES

Based on the goals contained in the *2001 Kentucky Transportation Cabinet's Strategic Plan* and *1999 Kentucky Statewide Transportation Plan*, the following goals and objectives were established as part of the *2002 Kentucky State Rail Plan*.

A. Preservation

Work to preserve the existing rail system to the extent the Kentucky Transportation Cabinet can influence the largely privately owned and operated Kentucky rail system.

Objectives (Actions)

- Maintain current knowledge of the Commonwealth's rail system and its components including use, condition and viability updating the *2002 Kentucky Statewide Rail Plan* on a periodic basis.
- Work to preserve rail service, where it is in the public interest and rights-of-way where service preservation is not possible and/or justified.
- Identify sources of public funding that can be used for rail projects.

B. Economic Development

Support economic development by providing Kentucky rail system connectivity to the national rail system and Kentucky's transportation system.

Objectives (Actions)

- Work to develop adequate rail access to the Commonwealth's intermodal facilities such as riverports and other freight transloading

points. Similarly, work to develop adequate access for other modes to rail intermodal facilities.

- Work with economic development groups throughout Kentucky to identify and promote rail-served industrial sites and assist with the location of rail-using industry.
- Partner with neighboring states to develop initiatives that promote connectivity to the national rail system and the global market place.

C. Customer Relationships/Transportation Planning Process

Strengthen customer relationships with the rail industry through coordination and cooperation in the transportation planning process.

Objectives (Actions)

- Educate Metropolitan Planning Organizations (MPOs) and other planning organizations in rail issues, the role that rail plays in transportation in Kentucky, and the Cabinet's position regarding the rail mode.
- Work to involve the railroads in the public planning process, including the development of the *2002 Kentucky Statewide Rail Plan*.
- Support Operation Lifesaver and other rail safety programs.

D. Safety and Convenience

Enhance rail transportation safety and convenience to ensure mobility and access.

Objectives (Actions)

- Work with the railroads to identify grade crossings of particular concern for closure, enhanced warning devices or separation.
- Pursue a program of crossing evaluations on a corridor basis. A corridor can be a route through an urban area, a passenger train route, a route with heavy freight traffic, or other similar characteristics.
- Support future programs and identify potential funding sources that address heightened rail security concerns.
- Identify rail-related intermodal opportunities or opportunities for rail to provide an effective alternative transportation choice.
- Identify and evaluate passenger rail transportation opportunities and identify opportunities to improve connection to other passenger modes of transportation.